

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SELIM ZHERKA,

Plaintiff,

-against-

PHILLIP AMICONE, individually, and PHILLIP
AMICONE in his capacity as Mayor of the City of
Yonkers, New York,

Defendant.

ECF Case

07 Civ. 9618

NOTICE OF MOTION

Defendant Phillip Amicone, individually, and Phillip Amicone in his capacity as Mayor of the City of Yonkers, New York by his attorneys, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, will move this Court, pursuant to local Civil Rule 1.4, before the Honorable Charles L. Brieant, United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York on a date to be determined by the Court, for an Order substituting DelBello Donnellan Weingarten Wise & Wiederkehr, LLP as counsel for Defendant Phillip Amicone, individually, and Phillip Amicone in his capacity as Mayor of the City of Yonkers, New York replacing the law firm of Thacher Proffitt & Wood LLP.

Dated: White Plains, New York
February 29, 2008

DELBELLO DONNELLAN WEINGARTEN
WISE & WIEDERKEHR, LLP

By: 

Kevin J. Plunkett
One North Lexington Avenue
White Plains, New York 10601
(914) 681-0200

TO:

Attorneys for Plaintiff

LOVETT & GOULD, LLP
Jonathan Lovett, Esq.
222 Bloomingdale Road
White Plains, New York 10605
(914) 428-8401

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AFFIDAVIT OF
KEVIN J. PLUNKETT

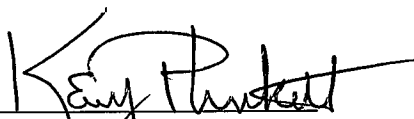
STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

Kevin J. Plunkett, being duly sworn, deposes and says:


1. I am a partner in the firm of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, One North Lexington Avenue, White Plains, New York 10601. I am admitted to practice before this Court. Pursuant to Local Civil Rule 1.4, I submit this affidavit in support of an application for an order substituting DelBello Donnellan Weingarten Wise & Wiederkehr, LLP as counsel for Defendant Phillip Amicone, individually, and Phillip Amicone in his capacity as Mayor of the City of Yonkers, New York ("Defendant"), in the above-captioned action, for Thacher Proffitt & Wood LLP, 50 Main Street, White Plains, New York 10606.

2. I recently moved my practice from Thacher Proffitt & Wood LLP to DelBello Donnellan Weingarten Wise & Wiederkehr, LLP.

3. This substitution is sought at the request of Defendant who has informed me that he wishes for me to continue working on this matter at my new firm.


Kevin J. Plunkett

Sworn to before me this
25th day of February, 2008


Notary Public

STEFANIE A. BASHARI
NOTARY PUBLIC, State of New York
No. 01BA5069723
Qualified in Westchester County
Commission Expires December 2, 2010